

1 DANIEL G. BOGDEN  
United States Attorney  
2 District of Nevada  
SUSAN CUSHMAN  
3 Assistant United States Attorney  
501 Las Vegas Boulevard South  
Suite 1100  
4 Las Vegas, Nevada 89101  
702-388-6311

5  
6 UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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8 United States of America, )  
9 Plaintiff, ) Case No.: 2:16-mj-00720-NJK  
10 vs. ) Stipulation to Continue Preliminary Hearing  
11 ALFREDO RIVERA, ) Date (First Request)  
12 Defendant. )  
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14 IT IS HEREBY STIPULATED AND AGREED, by and between Daniel Boden,  
15 United States Attorney, Susan Cushman, Assistant United States Attorney, counsel for the United  
16 States of America and Chris Rasmussen., Esq., counsel for defendant ALFREDO RIVERA:

17 THAT THE PRELIMINARY HEARING CURRENTLY SCHEDULED FOR  
18 November 7, 2016, at 4:00 p.m. before U.S. Magistrate Judge Koppe be vacated and set to a time  
19 convenient for the Court, but no earlier than 45 days from the current setting.

20 This stipulation is entered into for the following reasons:

- 21 1. The government will provide counsel for the defendant with limited Rule 16 Discovery  
22 and a written plea agreement. Counsel for the defendant requests an opportunity to review  
23 the discovery and discuss the proposed plea agreement with his client prior to a  
24 preliminary hearing or an indictment.

2. Counsel for the defendant and counsel for the government agree to the continuance.
  3. The defendant is detained and agrees to the continuance.
  4. Denial of this request for continuance could result in a miscarriage of justice.
  5. The additional time requested by this Stipulation is excludable in computing the time from the filing of the criminal complaint through which the government must assert an criminal Information or seek an Indictment by the Grand Jury pursuant to the Speedy Trial Act, Title 18, United States Code Section 3161(h)(7)(A), when considering the factors under Title 18, United States Code, Sections 3161(h)(7)(B) and 3161(h)(7)(B)(iv).
  6. This is the first request for a continuance.

Dated this 27 day of October, 2016.

Respectfully Submitted,

DANIEL G. BOGDEN  
United States Attorney

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/S/  
SUSAN CUSHMAN  
Assistant United States Attorney

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/S/  
CHRIS RAMUSSEN  
Counsel for defendant

1 DANIEL G. BOGDEN  
2 United States Attorney  
3 District of Nevada  
4 SUSAN CUSHMAN  
5 Assistant United States Attorney  
501 Las Vegas Boulevard South  
Suite 1100  
Las Vegas, Nevada 89101  
702-388-6336

6 UNITED STATES DISTRICT COURT  
7 DISTRICT OF NEVADA

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9 United States of America, ) Case No.: 2:16-mj-00720 NJK  
10 Plaintiff, ) Stipulation to Continue Preliminary Hearing  
vs. ) Date (First Request)  
11 ALFREDO RIVERA, )  
12 Defendant. )  
13

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14 FINDINGS OF FACT

15 Based on the pending Stipulation of counsel, and good cause appearing therefore, the  
16 Court finds that:

- 17 1. The period within which the government may assert an Information or seek an  
18 Indictment through the Grand Jury against the defendant is hereby extended from the  
19 date of the filing of the complaint up through and including December 12, 2016.  
20  
21 2. Both sides agree to the continuance.  
22  
23 3. The defendant is detained and agrees to the continuance.  
24  
4. The additional time requested by this Stipulation is excludable in computing the time  
within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, United

States Code Section 3161(h)(7)(A), when considering the factors under Title 18, United States Code, Sections 3161(h)(7)(B) and 3161(h)(7)(B)(iv).

4. This is the first request to continue the preliminary hearing.

For all of the above-stated reasons, the end of justice would best be served by a continuance of the preliminary hearing.

## ORDER

IT IS ORDERED that the preliminary hearing currently scheduled for November 7, 2016,  
at 4:00 p.m. be vacated and continued to January 4, 2017, at the hour of  
4:00 p.m., in Courtroom 3C.

DATED this 27<sup>th</sup> day of October 2016.

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**UNITED STATES MAGISTRATE JUDGE**

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